



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 25, 1999

Howard Glicken  
8400 Old Cutler Road  
Miami, FL 33143-6216

RE: MUR 4884

Dear Mr. Glicken:

On March 16, 1999, the Federal Election Commission found that there is reason to believe that you violated 2 U.S.C. §§ 441b and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas  
Chairman

Enclosures

Factual and Legal Analysis

Procedures

Designation of Counsel Form

# FEDERAL ELECTION COMMISSION

## FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Howard Glicken

MUR: 4884

### I. GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). On December 1, 1997, the Commission received a *sua sponte* submission filed by counsel for Future Tech International, Inc. ("Future Tech") and its chief executive Mr. Mark Jimenez, disclosing that the corporation, at the instruction of Mr. Jimenez, reimbursed various employees via company bonuses for contributions to federal candidate committees totaling approximately \$40,000 made between February 1994 and September 1996. Additional information in the Commission's possession clarifies that Mr. Jimenez used not only Future Tech funds to make the contribution reimbursements, but also funds held by a related corporation, MarkVision Computers, Inc.

Information available to the Commission points to the involvement of Howard Glicken in the solicitation of approximately \$23,000 in prohibited contributions to the Clinton/Gore 96 Primary Committee from employees of Future Tech and Mr. Jimenez.

## II. FACTUAL AND LEGAL ANALYSIS

### A. Applicable Law

The Federal Election Campaign Act of 1971, as amended ("the Act"), sets forth limitations and prohibitions on the type of funds which may be used in elections. Section 441b(a) states that it shall be unlawful for a corporation to make a contribution or expenditure in connection with any election to any federal political office, and for any officer or director of any corporation to consent to any contribution or expenditure by the corporation. This provision also makes it unlawful for any candidate, political committee, or other person knowingly to accept or receive a contribution prohibited by section 441b(a). For purposes of section 441b(a) a contribution includes any direct or indirect payment, distribution, loan, advance, deposit or gift of money, or any services, or anything of value made to any candidate for federal office. *See* 2 U.S.C. § 441b(b)(2).

The Act further prohibits any person from making a contribution in the name of another person or knowingly accepting a contribution made by one person in the name of another person. 2 U.S.C. § 441f. The Act defines person to include a corporation. 2 U.S.C. § 431(11).

### B. Background

Future Tech is a Florida corporation founded by Mr. Leonard Keller on approximately August 17, 1988. *See* Dun & Bradstreet Database. According to the *sua sponte*, in 1989 Mr. Jimenez, at the time a national of the Republic of the Philippines, purchased a controlling 80% interest in the then bankrupt Future Tech for approximately \$30,000, eventually becoming Chairman of the Board and Chief Executive Officer of the corporation. *See Sua Sponte* at 1; Dun & Bradstreet Database. Future Tech's principal business is the wholesale exportation of computer hardware, including products manufactured by related corporations under the trade

name MarkVision, to Central American, South American and Caribbean markets. Under Mr. Jimenez's control, the company has grown to approximately \$251,261,000 in annual sales. See Dun and Bradstreet Database. It appears that in approximately July 1994, Mr. Jimenez obtained permanent resident alien status. See *Sua Sponte* Supplement at 3.

### **C. Reimbursed Contributions**

Future Tech, at Mr. Jimenez's direction, reimbursed various employees in 1995 for approximately \$23,000 in contributions to the Clinton/Gore 96 Primary Committee. These contributions were apparently reimbursed either with corporate funds via company bonuses from Future Tech or its related corporation MarkVision Computers, Inc. Documents within the Commission's possession identify Howard Glicken as the solicitor of Mr. Jimenez's \$1,000 contribution to the Clinton/Gore re-election campaign, suggesting that Mr. Glicken was involved in the Future Tech contributions to this campaign made in the name of various company employees. As noted, these indirect contributions totaled \$23,000, and all but one were made on the same day as Mr. Jimenez's direct contribution. Although the solicitation of these Future Tech contributions made in the name of the various employees is not in itself a violation of the Act, Mr. Glicken's apparent involvement in obtaining these contributions does carry potential liability. If he solicited these employee contributions, Mr. Glicken was holding himself out as an agent of the Clinton/Gore re-election campaign. To the extent he was involved in the acceptance and receipt of the contributions, Mr. Glicken would have violated 2 U.S.C. §§ 441b and 441f by accepting and receiving on behalf of the committee contributions reimbursed with corporate funds. Accordingly, there is reason to believe Howard Glicken violated 2 U.S.C. §§ 441b and 441f.